

Senate File 270 - Introduced

SENATE FILE 270
BY SODDERS

A BILL FOR

1 An Act establishing parole for certain persons serving a class
2 "A" felony sentence and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 902.1, Code 2011, is amended to read as
2 follows:

3 **902.1 Class "A" felony.**

4 1. Upon a plea of guilty, a verdict of guilty, or a special
5 verdict upon which a judgment of conviction of a class "A"
6 felony may be rendered, the court shall enter a judgment of
7 conviction and shall commit the defendant into the custody of
8 the director of the Iowa department of corrections for the rest
9 of the defendant's life. Nothing in the Iowa corrections code
10 pertaining to deferred judgment, deferred sentence, suspended
11 sentence, or reconsideration of sentence applies to a class "A"
12 felony, and a ~~person~~ defendant convicted of a class "A" felony
13 shall not be released on parole unless the governor commutes
14 the sentence to a term of years.

15 2. a. Notwithstanding subsection 1, a defendant convicted
16 of a class "A" felony, and who was under the age of eighteen at
17 the time the offense was committed shall be eligible for parole
18 after serving a minimum term of confinement of thirty years.

19 b. If a defendant is paroled pursuant to this subsection,
20 the defendant shall be subject to the same set of procedures
21 set out in chapters 901B, 905, 906, and chapter 908, and rules
22 adopted under those chapters for defendants on parole.

23 c. A defendant convicted of murder in the first degree in
24 violation of section 707.2 shall not be eligible for parole
25 pursuant to this subsection. A defendant convicted of any
26 other class "A" felony where a murder or homicide arose out of
27 the same set of facts as the class "A" felony, shall not be
28 eligible for parole.

29 Sec. 2. Section 906.5, subsection 1, unnumbered paragraph
30 1, Code 2011, is amended to read as follows:

31 The board shall establish and implement a plan by which the
32 board systematically reviews the status of each person who
33 has been committed to the custody of the director of the Iowa
34 department of corrections and considers the person's prospects
35 for parole or work release. The board at least annually shall

1 review the status of a person other than a class "A" felon, a
2 class "B" felon serving a sentence of more than twenty-five
3 years, or a felon serving an offense punishable under section
4 902.9, subsection 1, or a felon serving a mandatory minimum
5 sentence other than a class "A" felon, and provide the person
6 with notice of the board's parole or work release decision.
7 The board shall only review the status of a class "A" felon
8 eligible for parole pursuant to section 902.1, subsection
9 2, upon the person serving the mandatory minimum term of
10 confinement, and shall only review the status every five years
11 thereafter.

12 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
13 immediate importance, takes effect upon enactment.

14 EXPLANATION

15 This bill establishes a parole procedure for certain persons
16 serving a class "A" felony.

17 The bill provides that a person serving a class "A" felony
18 who was under 18 years of age when the offense was committed is
19 eligible for parole after serving a minimum term of confinement
20 of 30 years.

21 The bill applies to the following class "A" felonies:
22 conspiracy to manufacture for delivery, delivery, or intent to
23 deliver amphetamine or methamphetamine to a minor in violation
24 of Code section 124.401D; sexual abuse in the first degree in
25 violation of Code section 709.2; kidnapping in the first degree
26 in violation of Code section 710.2; and enhanced penalties for
27 sexual abuse and lascivious acts with a child in violation of
28 Code section 902.14.

29 The bill does not apply to the following class "A" felonies:
30 murder in the first degree in violation of Code section 707.2;
31 or any other class "A" felony if a murder or homicide arose out
32 of the same set of facts as the class "A" felony.

33 The bill specifies the board of parole shall only review the
34 status of a person eligible for parole under the bill upon the
35 person serving 30 years of confinement, and restricts the board

1 from reviewing the status of the person to every five years
2 thereafter.

3 If a person is paroled pursuant to the bill, the person
4 shall be subject to the same set of procedures set out in Code
5 chapters 901B, 905, 906, and 908, and rules adopted under those
6 Code chapters for persons on parole. The parole status of a
7 person paroled pursuant to the bill may be revoked and the
8 original sentence imposed under the procedures of Code chapter
9 908. The paroled person may also be discharged early from
10 parole pursuant to Code section 906.15.

11 Code section 903A.5 does not apply to reduce the mandatory
12 minimum sentence of 30 years established by the bill.

13 The bill also does not apply to enhanced life sentences in
14 Code chapter 901A (sexually predatory offenses).

15 The bill takes effect upon enactment.